



Attorney Docket No.: 022128-000130US

Client Ref. No.:

PTO/SB/01A (08-03)

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	ENERGY BASED DEVICES AND METHODS FOR TREATMENT OF PATENT FORAMEN OVALE
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or  
 Application No. 10/787,532, filed on February 25, 2004,  
 as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

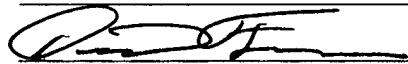
All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

### FULL NAME OF INVENTOR(S)

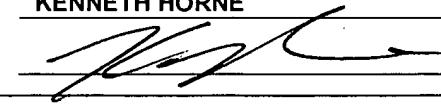
Inventor 1 WILLIAM MALECKI Date: 6/17/04

Signature:  Citizen of: United States

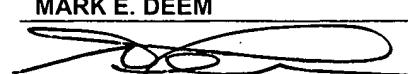
Inventor 2 DAN FRANCIS Date: 6/21/04

Signature:  Citizen of: United States

Inventor 3 KENNETH HORNE Date: 6/17/04

Signature:  Citizen of: United States

Inventor 4 MARK E. DEEM Date: 6/18/04

Signature:  Citizen of: United States

Additional inventors are being named on additional form(s) attached hereto.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76) –  
ADDITIONAL INVENTOR(S)**  
**Supplemental Sheet**  
(Total of 1 forms are submitted.)

FULL NAME OF INVENTOR(S)

Inventor 5:	HANSON GIFFORD	Date:	6/22/04
Signature:			
Citizen of:	United States		
Inventor 6:	JOSE ALEGANDRO ALEJANDRO	Date:	06/17/04
Signature:			
Citizen of:	United States		
Inventor 7:		Date:	
Signature:			
Citizen of:			
Inventor 8:		Date:	
Signature:			
Citizen of:			

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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby appoint:

Practitioners associated with the Customer Number

20350

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

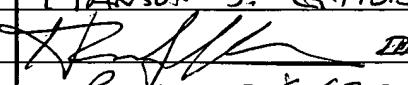
Assignee Name and Address:

Cierra, Inc.  
199 Jefferson Drive  
Menlo Park, CA 94025

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Hanson S. Gifford III	Date	6/22/04
Signature			
Title	President & CEO	Telephone	650-326-2656 X101



Attorney Docket No. \_\_\_\_\_

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: **WILLIAM MALECKI et al.**Application No./Patent No.: **10/787,532** Filed/Issue Date: **February 25, 2004**Entitled: **Energy Based Devices and Methods for Treatment of Patent Foramen Ovalis**

Cierra, Inc. \_\_\_\_\_, a \_\_\_\_\_

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

6/22/04

Date

850-326-2656 x101

Telephone number

Hanson S. Gifforn, Jr.

Typed or printed name

Signature

President & CEO

Title